

SECRET

5 March 1959

MEMORANDUM FOR: Legislative Counsel

SUBJECT: H.R. 3880, Freedom Commission Act

1. Attached is a sectional analysis of H.R. 3880 introduced 2 February 1959 by Mr. Herlong. It is the same as H.R. 3881 introduced by Mr. Judd and H.R. 4983 introduced by Mr. Bennett of Florida.

2. Mr. Herlong's speech introducing the Act is identical to a paper circulated by the Counsel Against Communist Aggression and apparently prepared by the "Orlando Group" as a "Confidential Study Document." Copies of Mr. Herlong's speech, as it was inserted in the Record and the CACA study, are attached.

[REDACTED]

[REDACTED]

[REDACTED]

X1 [REDACTED] You will note on page 2 of the CACA analysis mention that Mr. Judd (erroneously identified as a Senator) is known to have associations within the organization. There is no mention of Congressman Bennett. Incidentally, Mr. Bennett's constituency comprises Duval and Clay counties of Florida, which would include Jacksonville but not Orlando. Mr. Herlong represents the Fifth Congressional District of Florida, in which Orlando is located.

3. I call your attention in particular to the following in the bill:

a. The authorization in Section 9 of the dissemination of textbooks, films, and other publications "to such persons and organizations as may be in the public interest on such terms and conditions as the Commission shall determine."

b. The use of the expression "good security risk" in Section 11(a). This is a novel term in legislation and is certainly somewhat less than precise.

SECRET

25X
25X

SECRET

c. In Section 11(b) the provision for determination by the Federal Bureau of Investigation as well as investigation as to whether an individual, considered for employment under the Act, is a good security risk.

d. The first sentence of the proviso of subsection 12(2). The statement is circular in part and may be so vague as to be unenforceable. A requirement for adequate administrative review of dismissals, somewhat poorly placed, also appears in this subsection.

e. Subsection 12(5), a rare broad grant of authority.

f. The first sentence of the proviso of Section 17, from which language has obviously been dropped by inadvertence.

g. The reference to "restricted data" in Section 19.

4. I imagine this bill, as introduced, was prepared by one of the organizations mentioned above. It is drafted with a measure of professional competence which is, however, not sufficient to support the conclusion that it was done by House legislative counsel.


Office of General Counsel

25X

Distribution:

Original & 1 - Addressee

- ✓ 1 - Subject - *legislation* - *M*
- 1 - Signer
- 1 - Chrono

OGC:HRC:(bb)

SECRET

Sectional Analysis Of
H.R. 3880
Freedom Commission Act

Section 1. This section gives the Act the short title, Freedom Commission Act.

Section 2. This section is in the nature of the "whereas" clause appearing in much legislation. It states the point of view from which the proposal proceeds. The final paragraph sets forth, in addition, the intent of Congress that the authority and powers granted in the Act be "fully utilized" to achieve its objectives. Coupled with this is a directory statement that the rule of broad construction is to be applied to all authority, powers, and functions set forth in the Act.

The statement of policy, or point of view, covers the following points:

1. The USSR and the Republic of China are waging political warfare against the free world.
2. The USSR has developed political warfare into a "highly effective operational science," bolstered by a continuing, extensive training program.
3. Every individual, and every economic, cultural, religious, and ethnic group is, in some way or degree, a target of the political warfare waged by the USSR.
4. Since World War II, the USSR has inflicted a series of political warfare defeats on the free world amounting to a disaster to the United States, and continued political warfare threatens the survival of the United States.
5. Free world victory in the cold war requires understanding of Communism by all free people, understanding by private citizens of how they can participate in the struggle, and, among Government personnel, increased knowledge of Communism, high sense of mission, and proficiency in counteracting Communism.

Section 3 defines the terms "Commission" (Freedom Commission), "Academy" (Freedom Academy), and "Joint committee" (Joint Congressional Committee).

Section 4 establishes an executive agency to be known as the Freedom Commission. The Commission would have six members and a Chairman, each having one vote, action of the Commission being determined by majority vote. This section charges the Chairman with the task of responsible administration of the Commission as well as of being its official spokesman.

Section 5 provides for appointment of members by the President, with Senate consent, for staggered terms of six years (except for Chairman, who would serve during the President's pleasure). Compensation of the Chairman is set at \$20,500 per year, that of members, \$20,000 per year. Members are forbidden outside business activities.

Section 6 authorizes the Commission to establish a "Freedom Academy" with the following functions:

1. Development of knowledge of Communism
2. Research and development of a methodology of counteraction to Communism, emphasizing techniques best used by private citizens and nongovernmental organizations, and use by Government agencies of techniques not already in use.
3. Education and training of private citizens in Communism and counteraction to Communism.
4. Education and training of Government employees in Communism and counteraction to Communism.

Section 7(a) provides for selection of, and assistance to, Academy students. A diverse student body is called for, taken from all quarters, U. S. and foreign, affected by the political war. Releases would be required for Government employees. Persons subject to the provisions of the Government Employees Training Act could be trained at the Academy pursuant to that Act.

Section 7(b) authorizes reimbursement of expenses incident to training and study authorized by the Act, including travel expenses. Financial assistance to dependents of students is also authorized. Foreign students would be admitted as nonimmigrants, under the Immigration and Nationality Act, subject to regulations prescribed by the Commission, the Secretary of State, and the Attorney General. Deportation upon administrative

warrant is provided for foreign students who fail of timely departure, engage in political activities detrimental to the interests of the United States, or engage in activities against the security of the United States.

Section 8 authorizes the Commission to provide training at other institutions and with business and industrial concerns.

Section 9 authorizes the Commission to establish information centers within the United States, to prepare and disseminate books, films, and other materials to increase understanding of Communism and counteraction to Communism. The scope of dissemination is discretionary with the Commission.

Section 10 limits the authorities of the Act to preclude disclosures prohibited by other laws or inconsistent with national security.

Section 11(a) requires, as a condition to employment by the Commission, an investigation by the Civil Service Commission, its determination that the individual is a "good security risk" (a new term in legislation), and an investigation report to the Freedom Commission. Exceptions are permitted as the Commission may determine to be consistent with the national interest.

Section 11(b) authorizes an FBI investigation and determination in those instances where the Commission so requests.

Section 12 authorizes and empowers the Commission:

1. To establish boards and committees, as necessary for the purposes of the Act.
2. To appoint personnel and fix compensation in accordance with the Classification Act of 1949. Provision is made for exceptions from the Civil Service compensation schedules, as necessary. Adequate administrative review of dismissals is required by this subsection.
3. To conduct research, studies, and surveys.
4. To prescribe necessary regulations.
5. "To make such expenditures as may be necessary for administering and carrying out the provisions of this Act."
6. To use, on a reimbursement basis, facilities of other Government agencies.
7. To employ full or part time state, local, or private employees without requiring severance of connections with the employer, such use of employees of foreign governments to be approved by the Secretary of State.

8. To acquire and dispose of property.

9. To receive and obligate donations which are unconditional or conditioned only on use to the ends of the Act.

10. To use uncompensated personnel and to reimburse them for travel and subsistence expenses.

11. To hire temporary employees at not more than \$50 per day, and to reimburse them for travel and subsistence expenses.

Section 13 authorizes the Commission to appoint a General Manager to function as executive and administrator to the extent directed by the Commission. He would serve during the pleasure of the Commission, at a salary of not more than \$18,000.

Section 14 establishes the Joint Congressional Freedom Committee composed of seven members of each house.

Section 15 directs the Joint Committee to study the activities of the Commission and problems of counteraction to Communism, to hold hearings during the first sixty days of each session of Congress on the development of counteraction to Communism, and to consider bills relating to the Commission. The Commission is directed to keep the Joint Committee fully informed at all times.

Section 16 provides for the selection of the Chairman and Vice-Chairman of the Joint Committee and for the filling of vacancies.

Section 17 provides the usual committee authorities to hold hearings and investigations, issue subpoenas, take sworn testimony, and to expend money for committee business.

Section 18 authorizes the Joint Committee to hire experts, consultants, and employees, and to utilize services, personnel, and facilities of other Government establishments.

Section 19 authorizes the Joint Committee to classify information originating within the committee. Included are "restricted data" and "defense information."

Section 20 provides for complete and secure records maintenance.

Section 21 is the standard authorization of appropriation.